

REMARKS

In paragraph 4 of the Office action claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,151,536 to Arnold et al ("Arnold"). In response, claim 1 has been amended to recite a method comprising "displaying on a numeric, shelf-level display a number that is the number of different items to be located which are carried by the shelf." Support for the amendment may be found, for example, at paragraph [0036]. As stated in paragraph [0036], if one item is located on that shelf, the alpha numeric display 48 flashes the number "one". If two items are located, the display flashes the number "two", etc. Thus, if a healthcare worker is looking for Tylenol and ibuprofen, and both of those items are located on the same shelf, the shelf-level display associated with that shelf will display the number two, indicating that two different items to be located are carried by the shelf associated with the shelf-level display.

In contrast, in Arnold, there is no shelf-level numeric display nor is there any display that is operative to display a number that is the number of different items to be located which are carried by the shelf associated with the display. For example, as discussed at column 9, beginning at line 26, "adjacent each of item buttons 86 is a visual indicator 88 to assist the caregiver in locating a particular item. Alternatively, item buttons 86 may be figured to illuminate, thereby eliminating the need for visual indicators 88." In view of that distinction, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Arnold be withdrawn.

New claims 10 and 11 have been added which depend from independent claim 1. New claim 10 recites that the display includes a flashing display and new claim 11 recites that the number stops flashing and the display is reset to zero in response to an item switch being activated. Support for claims 10 and 11 may be found, for example, in paragraphs [0036] and [0037]. No new matter has been added.

Independent claims 2 and 7 have been amended to recite that "substantive information" is displayed for the identified item. The purpose of identifying the information as "substantive" is

for the purpose of distinguishing over the illumination of an indicator adjacent an item. That change is also made to further define over Arnold which discloses in column 7, next to last paragraph, in which a written description of the location of medication is provided. In contrast, in the present invention, as set forth in paragraph [0041] there are numerous types of information which can be provided in the context of medications, such as drug interaction information, contraindications, typical dosing information, and other information dealing with substantive aspects of the medication, as opposed to its mere location. In view of the amendment of independent claims 2 and 7, it is respectfully submitted that the rejection of claims 2-9 under 35 U.S.C. §102(b) as being anticipated by Arnold be withdrawn.

In paragraph 5 of the Office action claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,636,718 to Haitin et al ("Haitin"). Claim 1 stands rejected on the basis of recitation appearing at column 11, lines 22-30. However, that portion of Haitin cited by the Examiner does not stand for the proposition of displaying on a numeric, shelf-level display a number that is the number of different items to be located which are carried by the shelf associated with the shelf-level display. Accordingly, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by Haitin should be withdrawn.

Furthermore, with respect to independent claims 2 and 7, it is respectfully submitted that the type of information disclosed by Haitin, for example, in the paragraph bridging column 6 and 7, is patient specific or cabinet specific information such as current inventories, patient vital signs, etc. There is no disclosure of providing in a query mode (a non-dispensing mode) substantive information about a medication such as drug interaction, contraindications, typical dosing information, or other pharmaceutical information. Accordingly, it is respectfully submitted that the rejection of claims 2-9 under 35 U.S.C. 102(e) as being anticipated by Haitin be withdrawn.

Applicants note the co-pendency of two related applications: U.S. application serial number 10/706,832 entitled Method of Operating a Dispensing Cabinet and U.S. application serial number 10/010,387 entitled Method of Operating a Dispensing Cabinet. Office actions have been issued in connection with both of those applications. However, Applicants note that

Appl. No.: 10/706,548
Docket No.: DB000972-001
Amdt. Dated: September 13, 2004
Reply to Office action of June 11, 2004

the Office actions issued in the two relating applications have been issued by the same Examiner responsible for the instant application. It is therefore Applicants position that the Examiner is aware of the art relied upon in each of the related applications as well as the grounds of rejection in those applications such that the art and grounds of rejection need not be repeated here.

Applicants have made a diligent effort to place the instant application in condition for allowance. Accordingly, a notice of allowance for claims 1-11 is respectfully requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. L. Pencoske', with a stylized, cursive script.

Edward L. Pencoske
Reg. No. 29,688
Thorp Reed & Armstrong LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7789

Attorneys for Applicants